



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 6, 2019

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Jose Martinez-Diaz, et al.*, S5 16 Cr. 387 (JMF)**

Dear Judge Furman:

On behalf of the Government, we write to notify the Court and the September 2019 trial defendants that, in addition to the incidents charged expressly in the Indictment, the Government plans to introduce evidence during its case-in-chief regarding the incidents listed below as direct proof of or background to the racketeering conspiracy and narcotics conspiracy charged in the Indictment (or other applicable charges in the Indictment), or as evidence pursuant to Rule 404(b) of the Federal Rules of Evidence.

The Government's investigation in this matter and its preparations for the September 2019 trial are ongoing and continuing, and the Government reserves the right to supplement this letter if we later become aware of additional evidence of such incidents that the Government wishes to introduce as direct proof of or background to any of the charges in the Indictment, or as Rule 404(b) evidence.

**Background Evidence on *La Organizacion de Narcotraficantes Unidos***

- In the early 2000s, gangs operating in the public housing projects in the San Juan metropolitan area were involved in street-level drug sales and trafficking large quantities of drugs to the continental United States. The close proximity of the housing projects led to frequent strife, the constant threat of violence, and diminished bargaining power in the narcotics market. To address these issues, in or around 2004, the leaders from the housing project gangs in the San Juan area agreed to form an alliance. The purpose of the alliance was to prevent conflict between the drug gangs and to collaborate with one another to purchase and sell narcotics at the most favorable prices. The gangs agreed that should conflict arise between their members, the leaders of the various constituencies would assemble to resolve the dispute. The gangs named their alliance *La Organizacion de Narcotraficantes Unidos*, or La ONU.
- The La ONU alliance remained intact for a time. Members of La ONU consolidated their narcotics supply chains and shared responsibility for transporting and securing

narcotics. Members of drug gangs aligned with La ONU could visit and sell narcotics in other La ONU-aligned housing projects, as long as they had the permission of the leader of each specific housing project. Additionally, the leaders of the projects met regularly to discuss and resolve conflicts. La ONU's leadership often enforced peace through violence. For example, La ONU leaders regularly ordered their enforcers to murder informants or misbehaving gang members.

- La ONU's members included the gang from the Manuel A. Perez project ("MAPA"), the gang from the Torres de Sabana housing project, as well as the gangs from numerous other housing projects. La ONU also included a handful of high-volume cocaine traffickers using routes between the Dominican Republic and Puerto Rico, each of whom would supply La ONU with thousands of kilograms of cocaine per month. La ONU also corrupted local law enforcement officers by bribing them to avoid capture, paying them for seized contraband, and using them to facilitate or commit murders.
- The La ONU alliance enabled a variety of narcotics activity. The leaders of MAPA and Torres de Sabana negotiated the bulk purchase of narcotics, usually from the Dominican Republic. The larger housing projects sometimes sold to smaller housing projects. A portion of the narcotics stayed in Puerto Rico, often cooked into crack and sold in small quantities at high volume. La ONU obtained a large portion of its cocaine, however, in order to export it to more lucrative markets in the continental United States. From in or about 2004 to at least in or about 2016, members of La ONU exported hundreds of kilograms of narcotics to the New York City area. La ONU used and recruited individuals in New York who had been raised in La ONU-affiliated housing projects to receive narcotics shipments, to distribute them in New York—especially the Bronx—and to funnel proceeds back to La ONU leadership in Puerto Rico. Additionally, from time-to-time high-level La ONU members traveled from Puerto Rico to oversee the enterprise's activities in New York.
- Some of the La ONU cocaine that was trafficked to New York was distributed out of a daycare center on Rosedale Avenue in the Bronx. In particular, between January 2013 and November 2013, United States Postal Inspection Service agents obtained search warrants for eight parcels sent by U.S. Mail. The parcels contained approximately 10 brick-sized packages of cocaine, weighing approximately 10 kilograms, which were packaged alongside children's backpacks, puzzle boxes, and school supplies. La ONU member Luis Blondet's fingerprint was found on the packaging for one of the brick-sized packages of cocaine. In September 2013, law enforcement officers conducted a search of the daycare center, pursuant to a state search warrant. They recovered cocaine, crack cocaine, and drug packaging supplies in the basement of the daycare center.
- Within Puerto Rico, each housing project typically maintained its own drug distribution business. These businesses involved drug points—essentially, narcotics storefronts—"owned" by senior gang members and staffed by lower-level drug sellers. Wholesale quantities of narcotics were stored elsewhere, at premises guarded by other gang members, and delivered to drug points by other members who functioned as stock boys.

The gangs usually stationed lookouts throughout the neighborhood to identify law enforcement or rivals. The members of each gang maintained contact by short-wave radio. For larger gangs, particularly MAPA, senior leaders authorized individual gang members to operate product-specific drug businesses—such as a marijuana-only drug point, or a store that sold pills—or to purchase narcotics wholesale for export. The gangs' narcotics businesses funded enforcement operations and provided La ONU leadership with substantial profits, which they used to acquire cars, a nightclub, a restaurant, and a baseball team, among other things.

- The La ONU “peace” did not last. In or about 2006, the leader of Torres de Sabana was killed. In the aftermath of his death, MAPA, Torres de Sabana, and others suspected a faction within La ONU had orchestrated the killing. The accusations divided the alliance in two, with a group of housing project gangs forming a rival entity, La Rompe ONU. La ONU and La Rompe ONU descended into “war.” During the conflict, La ONU leaders pooled their resources to purchase weapons, vehicles, radios, and other items to sustain the fight against La Rompe ONU. Members of La ONU invaded La Rompe ONU housing projects and killed La Rompe ONU members.
- Members of La ONU who committed murders typically advanced in status within the criminal enterprise. Virtually every housing project leader had directly participated in murders before rising to his leadership position. Murders within La ONU generally had to be authorized by leadership, but there was an unwritten rule that La Rompe ONU members could be killed on sight. Additionally, La ONU treated witnesses and informants as grave threats to its continued existence; accordingly, La ONU leaders repeatedly and systematically authorized the assault or murders of suspected informants, undercover officers, lay witnesses, and even La ONU members whose personal misconduct risked a law enforcement response.

### **Incidents / Proof Relevant to Jose Martinez-Diaz and Fernando Gomez**

- Martinez-Diaz was one of the high volume cocaine traffickers who supplied La ONU members with drugs that were transported from the Dominican Republic. Martinez-Diaz was present at the founding of La ONU and participated in La ONU meetings multiple times per year, in person. In addition, Martinez-Diaz provided material support to La ONU, such as furnishing its members with cars and providing some narcotics on a cost basis to be re-sold at a higher profit.
- Martinez-Diaz supplied wholesale quantities of cocaine to La ONU housing projects including MAPA, Monte Hatillo, Selles, and Torres de Sabana. Martinez-Diaz smuggled the narcotics from the Dominican Republic, usually by boat. In a typical shipment, Martinez-Diaz transported 130 to 160 kilograms, with shipments arriving as frequently as every week. Martinez-Diaz would then parcel out the shipments to La ONU members. For example, Julio Marquez-Alejandro might receive 50 kilograms from one shipment, and leaders of Torres de Sabana might receive 50 kilograms from one shipment.

- Martinez-Diaz would also sometimes transport the cocaine of other drug traffickers. For example, in or about 2007 or 2008, Martinez-Diaz transported approximately 70 kilograms of cocaine for another drug trafficker from the Dominican Republic to Puerto Rico. The 70 kilograms were packaged in a wooden box, and were transported along with other merchandise.
- Martinez-Diaz was supposed to transport another large quantity of cocaine for that drug trafficker in 2008. But on or about September 6, 2008, the intended shipment was seized in the Dominican Republic. The DEA, acting with assistance from authorities in the Dominican Republic, seized approximately 120 kilograms of cocaine and 7 kilograms of heroin from a business in Santo Domingo, Dominican Republic. Law enforcement found the shipment at a cargo export company, concealed in boxes containing paving stones. The shipment was scheduled to be delivered to Carolina, Puerto Rico.
- In or about 2008 or 2009, a shipment of Martinez-Diaz's cocaine, which was being transported by another drug trafficker, was seized. Law enforcement seized the approximately 200 kilograms of cocaine from a boat that was in the waters near Puerto Rico.
- Martinez-Diaz owed a security and locksmith company known as "Absolute Power," which acted as a front for Martinez-Diaz's narcotics trafficking. Martinez-Diaz had a relationship with a local politician whereby Martinez-Diaz would fund the politician in exchange for the politician giving Martinez-Diaz contracts for his locksmith company once elected.
- Martinez-Diaz used the machinery of La ONU to protect his narcotics trade. For example, Martinez-Diaz, through the leader of a housing project, would have corrupt PRPD officers locate rivals and effect unwarranted traffic stops in order to control their movements or to isolate them until others from La ONU could attack them.
- On at least one occasion, Martinez-Diaz instructed members of La ONU to murder a drug courier who had stolen 25 kilograms of cocaine. "Omar Frank" carried out the killing by strangling the victim. The victim was then placed in the trunk of a car. Omar Frank shot the victim twice more in the head before leaving the body.
- On another occasion, in or about 2007, Martinez-Diaz ordered a shootout on Avenue Monserrate. The target of the shootout was "Bo," and he was shot at by David Oppenheimer, but survived.
- On another occasion, Martinez-Diaz paid Luis Torres \$5,000 in connection with the attempted murder of a rival known as "Taliban." Torres, who was a police officer, arrested Taliban, and then a crew of enforcers from Torres de Sabana shot at him. He survived.

- Martinez-Diaz also helped fund other murders. For example, in or about 2008, La ONU leaders, including Martinez-Diaz, agreed that Omisam Carino-Bruno, the leader of the housing project Monte Atillo, should be murdered. Martinez-Diaz, Julio Marquez-Alejandro, a/k/a “Chino Montero,” and Anthony Declet-Rivera, a/k/a “Chio,” along with other La ONU leaders, contributed money to fund the murder of Omisam Carino-Bruno. On or about April 29, 2008, Carino-Bruno was killed while he was asleep in a cargo van, in the front passenger seat.
- Martinez-Diaz funded and assisted La ONU in its fight against La Rompe ONU. For example, Martinez-Diaz provided money to La ONU members to purchase firearms. In addition, Martinez-Diaz, Anthony Declet-Rivera, a/k/a “Chio,” and Omar Ruz-Franco, a/k/a “Omar Blin,” created a fake PRPD patrol car, using plates and other official material obtained from the corrupt cops in the La ONU. Members of La ONU—primarily those in MAPA—used the fake patrol car to harass and intimidate members of La Rompe ONU, and to conduct shootings.
- Martinez-Diaz worked with Fernando Gomez, a police officer who worked in Illinois, but had grown up in Puerto Rico. Gomez was close with Rafael Torres-Martinez, a member of La ONU who safeguarded Martinez-Diaz’s stash houses. Martinez-Diaz sold a La ONU member weapons Martinez-Diaz said had been brought to him by Gomez. Gomez also picked up approximately \$45,000 in drug money for Martinez-Diaz from the Boston area and transported it to Puerto Rico. Gomez received approximately \$5,000 for conducting this money pickup.
- While working as a police officer, Gomez obtained guns from targets in exchange for declining to arrest the targets. For example, on one occasion, Gomez found a target with a large quantity of marijuana, but did not arrest the target or seize the drugs because the target agreed to provide Gomez with a gun.
- Martinez-Diaz and Gomez decided that Gomez should apply to the DEA in order to better assist Martinez-Diaz. Gomez said that once he joined the DEA, he and Martinez-Diaz would be “unstoppable.” During his DEA suitability and clearance investigation, Gomez informed the investigator that he was unaware of any associates having any involvement in criminal activities.
- After Gomez joined the DEA, he helped Martinez-Diaz evade detection by law enforcement. As to one incident in particular, Gomez accessed DEA files for a cooperating witness against Martinez-Diaz. Gomez also told Martinez-Diaz about DEA activities, including investigative techniques used by law enforcement.
- Martinez-Diaz also worked with a dirty lawyer, who introduced clients to Martinez-Diaz so that the clients could engage in drug trafficking.
- In or about February 2018, Martinez-Diaz was arrested in Puerto Rico. About an hour and a half later, Martinez-Diaz was recorded during a conversation he had with a female while in a patrol car. During that conversation, Martinez-Diaz told the female to go to

the house and see his guy, who would help get Martinez-Diaz an attorney, and to also tell the people in the house to move. Shortly after that, Gomez received a call from his sister, who is married to Martinez-Diaz's co-conspirator Rafael Torres-Martinez. The call lasted about five minutes. The two numbers then spoke repeatedly throughout the morning. Gomez's sister also communicated with Rafael Torres-Martinez throughout the morning, often right before or after communicating with Gomez.

- Since his incarceration in this case, Martinez-Diaz has taken efforts to arrange for the murder of witnesses against him.

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As noted, the Government reserves the right to supplement this letter if we later become aware of additional evidence of such incidents that the Government wishes to introduce as direct proof of or background to any of the charges in the Indictment, or as Rule 404(b) evidence.

Respectfully submitted,

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Cc: All Counsel (via ECF)